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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,475	04/13/2001	Paul L. Mullen	GEMS8081.070	7317

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ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (GEMS)
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EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/681,475

Applicant(s)

MULLEN ET AL.

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The amendment filed on 12/19/06 has been entered. Claims 1-34 remain pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 7-9, 11-14, 16-19 and 21-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Wookey et al (US 6,182,249 B1).

Wookey discloses a system and method for remotely managing communication of electronic data between a diagnostic service center and a plurality of machines generally remote relative to each other (see claim 12) including the steps of: remotely collecting condition data representative of a device status (col. 12, lines 14-26); storing the condition data on a database a centralized facility (fig. 1, 109; storing data in a centralized diagnostic database); reviewing the condition data to identify at least the device diagnostic data and the device reminder data (col. 1, lines 28-53; this is typical for an operator of the system or a supervisor to review the diagnostics); and separately displaying and identifying on a graphical user interface (GUI) the device diagnostic data and the device reminder data (col. 16, lines 41-58; alerting of the schedule repair). Wookey further discloses that the statistic log may be configured so that the graphical user interface allows for user-friendly manipulation of data and for example generation of reports

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may be implemented in graphical and/or tabular format with electronic editing, copying, cutting and pasting options (table 1 seen in cols. 4 and 5 allow a user to see the statistics for repair and the reports can have different formats and one would be able to edit, copy, cut and paste and may be distributed weekly, monthly, etc based on the log of diagnostic statistics and the report may be configured to be distributed through the Internet or an intranet via a predetermined Web server). The system of Wookey is inherently capable of being programmed to acquire the condition data and the reminder data via a wireless system seen in figure 1 and also allow operators to monitor downloads in process and/or in queue and identify the type of download as claimed (see fig. 1). Wookey further discloses the steps of storing data processing of components on components of an equipment, said data processing system associates at least one predictive maintenance factor with the corresponding component data, a scheduler schedules maintenance for a maintenance time period for at least one of the components based on the first database (col. 15, line 66 to col. 16, line 15), the second database, the associated predictive maintenance factor, and an elapsed time with respect to an installation date of at least one component, said predictive maintenance factor may be defined by one or more of the following: a longevity estimate, a probability of failure, a financial estimate on maintenance of a component (col. 15, line 66 to col. 16, line 15). The system of Wookey can be used in a medical environment and also uses Internet to access data and monitors the plurality of machines.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5, 6, 10, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey et al (US 6,182,249 B1) in view of Hansen (US 6,317,639 B1).

As per claims 2, 5, 6 and 10, the rejection of claim 1 applies. Wookey does not disclose updating the data but Hansen discloses updating the maintenance file record to reflect the diagnosis, the schedule for service, etc (col. 5, lines 42-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the teachings of Hansen into the system of Wookey because it would provide ways to track diagnostic data of devices to ensure they are in proper working order.

As per claims 15 and 20, none of the references teaches marketing data, customer-entered data, and messages are consolidated. However, these differences are only found in the nonfunctional descriptive material and do not alter how the information is consolidated. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ 2d 1031 (Fed Cir 1994). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to consolidate marketing data, customer-entered data, and messages because the type of information being consolidated does not patentably distinguish the claimed invention.

Response to Arguments

6. Applicant's arguments filed on 12/19/06 have been fully considered but they are not persuasive.

Applicant argues that Wookey does not disclose "separately displaying and identifying" device diagnostic data and device reminder data for a remote device on a GUI. In response to Applicant's arguments, Wookey discloses in figure 12 a system visualization screen that provides graphical representation of a host state that displays and identifies diagnostic data as claimed (see fig. 12). Applicant further argues about "reminder data" that is based upon some predetermined information. In response to Applicant's arguments, Wookey discloses an alert system that indicated predefined conditions existed in a computer system. Since the condition is preset in the disclosure of Wookey then the alert system of Wookey can be used as a reminder system as claimed. The same reasoning is also applicable to Applicant's arguments with regard to claim 9.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Laneau

Ronald Laneau
Primary Examiner
Art Unit 3714

3/5/07